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FOR IMMEDIATE RELEASE

Terry Goddard Announces \$80,000 Settlement for Water Pollution Violations

(Phoenix, Ariz. – June 20, 2008) Attorney General Terry Goddard today announced an \$80,000 settlement with Delaware-based Kiewit Western Co. (Kiewit) for violations of the Clean Water Act that occurred as a result of the company's discharge of silt-laden storm water from its construction sites along Highway 260 and Highway 191 in Gila and Greenlee counties.

"Protecting Arizona's waterways is vital to ensuring healthy communities, a stable environment and a strong economy," Goddard said. "This type of disregard for state law is unacceptable."

In 2001, as part of an Arizona Department of Transportation multi-year public works project, Kiewit began reconstructing Highway 260, widening it from a two-lane highway to a four-lane divided highway through Tonto National Forest northeast of Phoenix. During this time, the company improperly used equipment, including a pump and a bulldozer and drainage ditches, to discharge more than 100,000 gallons of silt-laden storm water from its construction site into forest streams that feed the Gila River watershed. The company was repeatedly notified by federal and state officials that its erosion and sediment controls were inadequate.

The discharge from the Kiewit construction project caused the streams' surface water to change color and caused silt to settle on the creek bottom, forming bottom deposits that threatened the streams' aquatic life and recreational uses.

In 2003, during a separate construction project along Highway 191, Kiewit failed to prevent stockpiles of rock and other construction materials from spilling into another tributary that feeds the Gila River watershed.

The discharges from both construction projects lasted from one day to, in some cases, over two weeks. The presence of the discharges violated the water quality standards of the forest streams as well as downstream waterways in the watershed.

"Kiewit's carelessness contaminated some of Arizona's most precious water resources," said Arizona Department of Environmental Quality Director Steve Owens. "We will not tolerate this kind of pollution."

In addition to violating the state's surface water quality protection laws, Kiewit failed to comply with the state's permitting requirements regulating discharges from construction sites into state water bodies.

The settlement requires Kiewit to pay \$80,000 in civil penalties for the violations. As part of the settlement, the company partially corrected violations through a clean up effort.

The settlement was filed in Maricopa County Superior Court and is subject to Court approval.

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